

MAY 14 2007

PTO/SB/51 (10-05)

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REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional)						
<p>I hereby declare that: Each inventor's residence, mailing address and citizenship are stated below next to their name I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number <u>5,761,834</u> granted <u>June 9, 1998</u> and for which a reissue patent is sought on the invention entitled <u>Footgear With Pressure Relief Zones</u> the specification of which</p> <p><input type="checkbox"/> is attached hereto <input checked="" type="checkbox"/> was filed on <u>June 9, 2000</u> as reissue application number <u>09/597,462</u> and was amended on <u>several times; last 05/06/05</u> (If applicable)</p> <p>I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/028 (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below (Check all boxes that apply)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing <input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent. <input type="checkbox"/> by reason of other errors</p> <p>At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:</p> <p>At least one error occurred in claim 19 in U.S. patent 5,761,834 in that it was too narrow in reciting a footgear having a "means for independently modifying support of the f foot provided at each location." The new claims are added to correct the error by reciting footgear without the aforementioned means for independently modifying support.</p> <p>I hereby claim the benefit under 36 U.S.C. Sec. 120 of any United States application(s) listed below:</p> <table border="1"> <thead> <tr> <th>Application Serial No.</th> <th>Filing Date</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>08/017,818</td> <td>Feb. 16, 1993</td> <td>Issued</td> </tr> </tbody> </table>		Application Serial No.	Filing Date	Status	08/017,818	Feb. 16, 1993	Issued
Application Serial No.	Filing Date	Status					
08/017,818	Feb. 16, 1993	Issued					

(Page 1 of 2)

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

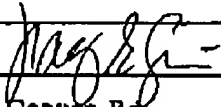

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PTO/SB/81 (10-05)

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional)	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant			
Note: To appoint a power of attorney, use form PTO/SB/81			
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> The address associated with Customer Number:		23364	
OR			
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		
<p>WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>			
Full name of sole or first inventor (given name, family name)			
Tracy B. Grim			
Inventor's signature		Date	
		5-10-07	
Residence		Citizenship	
5600 Lakeview Canyon Rd.		USA	
Mailing Address			
5600 Lakeview Canyon Rd., Thousand Oaks, CA 91362			
Full name of second joint inventor (given name, family name)			
Kevin O'Donnell			
Inventor's signature		Date	
			
Residence		Citizenship	
1111 Crestline Drive		USA	
Mailing Address			
1111 Crestline Drive, Santa Barbara, CA 93105			
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.			

(Page 2 of 2)

MAY 14 2007

PTO/SB/02A (02-07)
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
	Page <u>3</u> of <u>3</u>

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eric G.		Montag	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Van Nuys	CA	U.S.A.	U.S.A.
Mailing Address			
7438 Wish Avenue			
City	State	Zip	Country
Van Nuys	CA	91406	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/51 (10-05)
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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Serial Number (Optional)

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed

In patent number 5,761,834 granted June 9, 1998 and for which a
reissue patent is sought on the invention entitled Footgear With Pressure Relief Zones

the specification of which

☐ is attached hereto.☒ was filed on June 9, 2000 as reissue application number 09/592,462and was amended on several times; last 05/06/05
(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verify believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

At least one error occurred in claim 19 in U.S. patent 5,761,834 in that it was too narrow in reciting a footgear having a "means for independently modifying support of the foot provided at each location." The new claims are added to correct the error by reciting footgear without the aforementioned means for independently modifying support.

I hereby claim the benefit under 36 U.S.C. Sec. 120 of any United States application(s) listed below:

Application Serial No.	Filing Date	Status
08/017,818	Feb. 16, 1993	Issued

(Page 1 of 2)

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PTO/SB/31 (10-05)

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional)	
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Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> The address associated with Customer Number:		23364	
OR			
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		
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Full name of sole or first inventor (given name, family name)			
Tracy B. Grim			
Inventor's signature		Date	
Residence		Citizenship	
5600 Lakeview Canyon Rd.		USA	
Mailing Address			
5600 Lakeview Canyon Rd., Thousand Oaks, CA 91362			
Full name of second joint inventor (given name, family name)			
Kevin O'Donnell			
Inventor's signature		Date	
1111 Crestline Drive		4/17/07	
Residence		Citizenship	
1111 Crestline Drive		USA	
Mailing Address			
1111 Crestline Drive, Santa Barbara, CA 93105			
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.			

(Page 2 of 2)

PTO/SB/02A (02-07)
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>3</u> of <u>3</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eric G.		Montag	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Van Nuys	CA	U.S.A.	U.S.A.
Mailing Address 7435 Wish Avenue			
City	State	Zip	Country
Van Nuys	CA	91406	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
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6060 CENTER DRIVE
LOS ANGELES, CA 90045

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AUG 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Tracy E. Grim, Kevin R. O'Donnell, and Eric	:	
G. Montag	:	
Application No. 09/592,462	:	DECISION ON PETITION
Filed: June 9, 2000	:	UNDER 37 C.F.R. §1.47(a)
Attorney Docket Number: 480032-307	:	
Title: FOOTGEAR WITH PRESSURE	:	
RELIEF ZONES	:	

This is in response to the petition under 37 C.F.R. §1.47(a), filed May 10, 2005.

A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

Application No. 09/592,462
Decision on Petition

Page 2

The above-identified reissue application was filed on June 9, 2000, identifying Tracy E. Grim, Kevin R. O'Donnell, and Eric G. Montag as joint inventors. No oath or declaration was submitted on filing, nor prior to the filing of the present petition.

Submitted with the present petition, is a declaration signed by Tracy E. Grim and Kevin R. O'Donnell. While the signature of Eric G. Montag is absent from the declaration, Petitioner has met each of the 5 requirements set forth above.

Accordingly, the petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor (Eric G. Montag) at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office